

**Remarks/Arguments:**

By this amendment, claims 8, 10-12, 18-19, 24-25, 36-37, 39-40, 42-43, 53-54, and 56-63 have been cancelled. Claims 64-85 have been added. Claims 1-7, 9, 13-17, 20-23, 26-35, 38, 41, 44-52, 55 and 64-85 are pending in the application. Claims 13, 20, 21, and 44 have been amended. Claims 8, 13-14, 18, 21-24, 27-28, and 56 have been rejected. Claims 1-7 and 9 have been allowed by the Examiner. Claims 16-17, 19-20, and 26 were indicated as allowable, but were objected to as depending from a rejected base claim.

**Amendments to the Claims**

All amendments to the claims are made for the purpose of placing the application in a condition for allowance, and incorporate the Examiner's suggestions with respect to allowable subject matter.

Claim 13 has been amended to incorporate limitations indicated by the Examiner as being allowable. In the Office Action Dated October 22, 2004, the Examiner indicated that Claim 19 would be allowable if rewritten in independent form, including all the limitation of the base and intervening claims. Specifically, the limitations of claims 18 and 19 have been added to Claim 13, and thus should be allowed. The amendment is made for the purpose of allowance and adds no new matter.

Claims 20 and 21 have been amended to depend from Claim 13. Claims 20 and 21 previously depended from Claims 18 and 19, which have been cancelled. The amendments to Claims 20 and 21 are made for the purpose of clarity and allowance, and add no new matter. Claim 44 has been amended for the purpose of improved clarity, and does not alter the scope or meaning of the claim as originally drafted. These amendment add no new matter.

New Claim 64 incorporates the limitations of original Claim 13 and original dependent claims 14 and 26. In the Office Action Dated October 22, 2004, the Examiner indicated that Claim 26 would be allowable if rewritten in independent form, including all of the limitations of the base and intervening claims. New Claims 64 thus includes the limitations of Claims 13, 14, and 26, adds no new matter, and thus should be allowed.

Claims 65-85 depend from Claim 64 and should be allowed as depending from an allowable claim. Specifically, new Claim 65 includes the limitations found in original Claims 13, 14, 18 and 26, and adds no new matter. New Claim 66 includes the limitations found in original Claims 13, 14, 18, 19 and 26, and adds no new matter. New Claim 67 includes the limitations found in original Claims 13, 14, 18, 19, 20 and 26, and adds no new matter. New Claim 68 includes the limitations found in original Claims 13, 14, 18, 21, 22 and 26, and adds no new matter. New Claim 69 includes the limitations found in original Claims 13, 14, 18, 21, 23 and 26, and adds no new matter.

New Claim 70 includes the limitations found in original Claims 13, 14, 26 and 29, and adds no new matter. New Claim 71 includes the limitations found in original Claims 13, 14, 26, 29 and 30, and adds no new matter. New Claim 72 includes the limitations found in original Claims 13, 14, 26, 29 and 33, and adds no new matter. New Claim 73 includes the limitations found in original Claims 13, 14, 26, 29, 34 and 35, and adds no new matter. New Claim 74 includes the limitations found in original Claims 13, 14, 26 and 38, and adds no new matter. New Claim 75 includes the limitations found in original Claims 13, 14, 26 and 44, and adds no new matter. New Claim 76 includes the limitations found in original Claims 13, 14, 26 and 45, and adds no new matter. New Claim 77 includes the limitations found in original Claims 13, 14, 26, 45 and 46, and adds no new matter. New Claim 78 includes the limitations found in original

Claims 13, 14, 26, 45, 46 and 47, and adds no new matter. New Claim 79 includes the limitations found in original Claims 13, 14, 26, 45, 46, 47 and 468, and adds no new matter. New Claim 80 includes the limitations found in original Claims 13, 14, 26, 45 and 49, and adds no new matter. New Claim 81 includes the limitations found in original Claims 13, 14, 26, 45 and 50, and adds no new matter. New Claim 82 includes the limitations found in original Claims 13, 14, 26, 45, 50 and 51, and adds no new matter. New Claim 83 includes the limitations found in original Claims 13, 14, 26, 45 and 52, and adds no new matter. New Claim 84 includes the limitations found in original Claims 13, 14, 26 and 46, and adds no new matter. New Claim 77 includes the limitations found in original Claims 13, 14, 26 and 60, and adds no new matter.

New dependent Claims 65-85 present no new matter, are made for the purpose of allowance, and depend from a claim previously indicated as allowable. Allowance of all claims presented herein is respectfully requested.

#### **Rejection Under 35 U.S.C. § 101**

The Office Action has rejected Claim 8 under 35 U.S.C. §101 as being directed to non-statutory subject matter by positively claiming the patient. In response, Applicant has cancelled Claim 8.

#### **Rejection Under 35 U.S.C. § 102**

The Office Action rejected Claims 13-14, 18, 24, 27-28, and 56 under 35 U.S.C. §102(c). In response, the limitations of Claim 26, previously indicated as allowable, have been incorporated into amended Claim 13. Amended Claim 13, and all claims depending therefrom, add no new matter and should therefore be allowed.

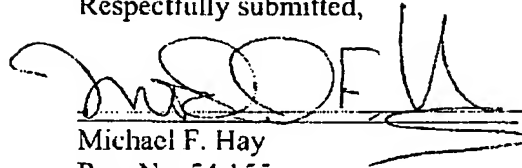
New Claim 64 incorporates the limitations of claims 13, 14 and 26 and has been indicated as being allowable. Therefore, Claim 64, and claims 65-85 depending therefrom should be allowed.

Applicant acknowledges the Office Action Dated October 22, 2004 has deemed the restriction requirement final, requiring cancellation of the nonelected claims or other appropriate action. Applicant has amended the claims to include allowable embodiments of anti-reflux valve, thus the combination valve and tool claims depend from allowable subject matter. Pending Claims 29-35, 38, 41, 44-52, and 55, previously subject to the restriction requirement, each include the limitations of amended Claim 13 and are properly linked to an allowable claim. The subcombination/combination claims should also be joined/rejoined as depending from or incorporating the allowable subject matter of Claim 13, are properly linked to an allowable claim, and no searching is necessary. See MPEP 821.04. Allowance of all claims is respectfully requested.

Similarly, the combination/subcombination claims in new claims 70-85 should be joined/rejoined as depending from or incorporating the allowable subject matter of Claim 64, and are properly linked to an allowable claims, and no new searching is necessary. See MPEP 821.04. Allowance of all claims is respectfully requested.

Applicant does not believe any fees are due at this time, however the Commissioner is authorized to charge any fees associated with this communication to deposit account 501285. If the Examiner has any questions or comments regarding this communication, the undersigned would appreciate a telephone conference to expedite the resolution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. F. Hay", is written over a horizontal line.

Michael F. Hay  
Reg. No. 54,155  
Lundeen & Dickinson, L.L.P.  
PO Box 131144  
Houston, Texas 77219-1144  
(713) 652-2555  
(713) 652-2556 Fax  
ATTORNEY FOR APPLICANT